



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TRG
Docket No: 6657-98
30 March 2000

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments
(2) Case Summary
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Navy filed enclosure (1) with this Board requesting that the record be corrected to show that he received a fully honorable characterization of service upon his release from active duty on 3 June 1997.

2. The Board, consisting of Mr. Pfeiffer, Mr. Kastner and Mr. Zsalmán, reviewed Petitioner's allegations of error and injustice on 28 March 2000 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Enclosure (1) was filed in a timely manner.

c. Petitioner enlisted in the Navy for four years on 26 May 1993 at age 19. His record is incomplete in that there are no performance evaluations in the record after 31 January 1995. As of 31 January 1995 he was qualified for an honorable discharge. After that date he was advanced to AO3 (E-4).

d. Petitioner received nonjudicial punishment on 6 July 1996 for an unauthorized absence of about eight days. Subsequently, the Department of the Navy Central Adjudication Facility informed him that his security clearance had been revoked. This action was apparently taken based on his disciplinary record and a history of financial irresponsibility. In April 1997 Petitioner was an unauthorized absentee for one

day. There is no disciplinary action in the record for this offense. Petitioner was released from active duty on 3 June 1997 with his service characterized as being under honorable conditions. However, at that time he was recommended for reenlistment and was assigned an RE-1 reenlistment code.

e. On 18 November 1997 he affiliated with a reserve unit. The record shows that on 4 May 1998 he was removed from drill pay because of unsatisfactory participation. However, the performance evaluation for the period ending 4 May 1998 states that he transferred to the Individual Ready Reserve at his own request, and he was recommended for advancement and retention in the Naval Reserve. He was assigned a mark of 3.0 in the category of military bearing/character, and the average of all marks assigned is 2.67. These marks are sufficient to support an honorable characterization of service.

f. The Board is aware that characterization of service on release from active duty must be either honorable or under honorable conditions based on the marks assigned during his service. Under the evaluation system in effect during the first two years of Petitioner's enlistment, an average of 3.0 in conduct and 2.8 in overall traits was required for an honorable characterization of service. The new performance system only requires an average of 2.0.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board notes that half way through his service the marks assigned warranted an honorable discharge. After that, he had two periods of unauthorized absence totaling nine days and his security clearance was revoked. However, he was also advanced to AO3, was never reduced in rate, and was recommended for reenlistment. Further, he was recommended for advancement and retention following his short period of service as a drilling reservist. Finally the Board notes the change in the evaluation system which reduced the required average mark for an honorable characterization of service. Given the circumstances, the Board believes that Petitioner should be given the benefit of any doubt and concludes that his record should be corrected to show that his service was characterized as honorable on his release from active duty on 3 June 1997.

RECOMMENDATION:

a. That Petitioner's naval record be corrected to show that on 3 June 1997 his service was characterized as honorable vice the characterization of service under honorable conditions now of

record.

b. That this Report of Proceedings be filed in Petitioner's naval record.

c. That the Department of Veterans Affairs be informed upon request that Petitioner's application was received by the Board on 11 September 1998.

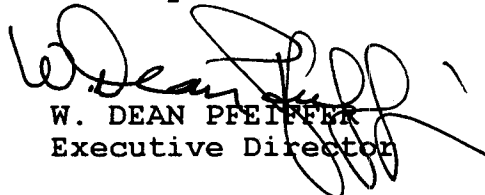
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder



ALAN E. GOLDSMITH
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



W. DEAN PFEIFFER
Executive Director